

PATENT
Customer No. 22,852
Attorney Docket No. 05725.1422-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Véronique FERRARI et al.) Group Art Unit: 1611
)
Application No.: 10/528,698) Examiner: Kevin S. Orwig
)
Filed: December 6, 2005)
)
For: LIPSTICK COMPRISING A) Confirmation No.: 4617
SEQUENCED POLYMER)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS WEB

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached IDS Form PTO/SB/08 Form. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination ("RCE"), and before the mailing date of a first Office Action in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patents, patent application publications, co-pending applications and respective office actions are not enclosed as they are available on the Imaged File

Wrapper of PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir.

2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See also M.P.E.P.

§ 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

1. DE 2 330 956 - This document is believed to be related to U.S. Patent Nos. 3,946,749 and 3,990,459, cited on the enclosed IDS Form PTO/SB/08.
2. EP 0 637 600 - This document is believed to be related to U.S. Patent Application Publication No. 2003/0191271 A1 and U.S. Patent Nos. 6,770,271 B2 and 6,106,813 A, cited on the enclosed IDS Form PTO/SB/08.
3. EP 0 656 021 - This document is believed to be related to U.S. Patent No. 6,372,876 B1, cited on the enclosed IDS Form PTO/SB/08.
4. EP 0 751 162 - This document is believed to be related to U.S. Patent Nos. 6,166,093 and 6,319,959 B1, cited on the enclosed IDS Form PTO/SB/08.
5. EP 1 366 746 - This document is believed to be related to U.S. Patent No. 7,176,170, cited on the enclosed IDS Form PTO/SB/08.

6. EP 1 518 535 - This document is believed to be related to U.S. Patent Application Publication No. 2005/0106197 A1, cited in the Information Disclosure Statement filed **January 7, 2008**.

7. EP 1 604 634 - This document is believed to be related to U.S. Published App. No. 2005/0287103, cited on the enclosed IDS Form PTO/SB/08.

8. FR 1 222 944 - This document is believed to be related to Great Britain Patent No. 0 922 457, cited on the enclosed IDS Form PTO/SB/08.

9. FR 1 400 366 - This document is believed to be related to Great Britain Patent No. 1 021 400, cited on the enclosed IDS Form PTO/SB/08.

10. FR 1 564 110 - This document is believed to be related to GB 1169862, cited on the enclosed IDS Form PTO/SB/08.

11. FR 1 580 545 - This document is believed to be related to U.S. Patent Nos. 3,716,633, 3,925,542, and 4,129,711, cited on the enclosed IDS Form PTO/SB/08.

12. FR 2 265 781 - This document is believed to be related to U.S. Patent Nos. 3,966,403 and 4,076,912, cited on the enclosed IDS Form PTO/SB/08.

13. FR 2 265 782 - This document is believed to be related to U.S. Patent Nos. 3,966,404 and 4,070,533, cited on the enclosed IDS Form PTO/SB/08.

14. FR 2 350 384 - This document is believed to be related to U.S. Patent No. 4,137,208, cited on the enclosed IDS Form PTO/SB/08.

15. FR 2 357 241 - An abstract of the disclosure of this document can be found in the English language abstract submitted herewith.

16. FR 2 439 798 - This document is believed to be related to U.S. Patent No. 4,282,203, cited on the enclosed IDS Form PTO/SB/08.

17. FR 2 743 297 - This document is believed to be related to U.S. Patent No. 6,395,265 B1 and U.S. Published App. No. 2002/0150546 A1, cited on the enclosed IDS Form PTO/SB/08.

18. FR 2 811 993 - This document is believed to be related to U.S. Patent Application Nos. 2003/0124079 & 2004/0141943, cited on the enclosed IDS Form PTO/SB/08.

19. FR 2 880 268 - An abstract of the disclosure of this document can be found in the English language abstract submitted herewith.

20. JP 2000-83728 - This document is believed to be related to European Patent No. 1 018 311, cited on the attached IDS Form PTO/SB/08.

21. JP 2003-40336 - An abstract of the disclosure of this document can be found in the English language abstract submitted herewith.

22. JP 2006-151867 - An abstract of the disclosure of this document can be found in the English language abstract submitted herewith.

23. LU 75370 - This document is believed to be related to Great Britain Patent No. 1 572 626, cited on the enclosed IDS Form PTO/SB/08.

24. LU 75371 - This document is believed to be related to U.S. Patent No. 4,289,752, cited on the attached IDS Form PTO/SB/08.

25. WO 03/046033: This document is believed to be related to U.S. Patent Application Publication No. 2005/0020779, cited in the Information Disclosure Statement filed **March 10, 2009**.

26. WO 94/03510 - An English language abstract of this foreign language document can be found on the title page of this document.

27. **French Search Report for FR 04/03088** - This is the Search Report for French Patent Application No. 0403088, which is the French priority application for co-pending U.S. Application No. 11/089,172 (Attorney Docket No. 06028.0096-00).

28. **French Search Report for FR 06/53144** - This is the Search Report for French Patent Application No. 0653144, which is the French priority application for co-pending U.S. Application No. 11/878,849 (Attorney Docket No. 05725.1651-00).

29. **French Search Report for FR 06/53154** - This is the Search Report for French Patent Application No. 0653154, which is the French priority application for co-pending U.S. Application No. 11/878,067 (Attorney Docket No. 133312).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

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Dated: May 28, 2010

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